

PATRICK, BEARD, SCHULMAN & JACOWAY, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

SUITE 202, MARKET COURT

537 MARKET STREET

CHATTANOOGA, TENNESSEE 37402-1240

www.pbsjlaw.com

TELEPHONE (423) 756-7117
FACSIMILE (423) 267-5032

GARY PATRICK
E-MAIL Address: gpatrick@pbsjlaw.com

GARY R. PATRICK *
JOHN W. BEARD *
RICHARD A. SCHULMAN
STEVEN M. JACOWAY*
CARA J. ALDAY*
JERRE B. MOSLEY
R. JONATHAN GUTHRIE
CARTER J. LYNCH, III
MICHAEL A. ANDERSON *+
SUSIE LODICO
ELIZABETH M. HILL #
McKINLEY S. LUNDY, JR.
JOHN H. TEMPLETON*

* ALSO LICENSED IN GEORGIA
*+ ALSO LICENSED IN ALABAMA
ALSO LICENSED IN KENTUCKY

January 8, 2016

Judge Charles R. Breyer
United States District Court
Northern District of California
Courtroom Eight, 19th Floor
450 Golden Gate Avenue
San Francisco, California 94102

In re: *Volkswagen* □*Clean Diesel*□*Marketing, Sales Practices, and Products Liability*
*Litigation*_(MDL No. 2672 CRB (JSC))

Dear Judge Breyer:

Our firm would like to serve on the Steering Committee in this case. We were one of the first firms to file a lawsuit against Volkswagen for its □Clean Diesel□fraud and because of our location in Chattanooga, Tennessee, we have likewise been at the forefront of this litigation among consumers in our region. Our commentary on the case has been televised locally and internationally, and approximately 300 Volkswagen owners from across Tennessee, Georgia, Florida and North Carolina have asked our firm to represent them in this litigation.

As you are aware, Volkswagen's only domestic manufacturing facility, which produced about 30% of the recalled □Clean Diesels□at issue in this case, is in Chattanooga. Thousands of Volkswagen employees work and live in this area, including many of the company's domestic engineers. In addition, the manufacturer of the software □defeat device□ has its Northern American headquarters located in Chattanooga and operates a manufacturing facility in Chattanooga. So there is a high probability that Chattanooga will be a focal point of discovery, particularly knowing that many of the corporate officers of the parent company of Volkswagen and some of its directors routinely visit Chattanooga.

Addressing your specific criteria as contained in your Pretrial Order No. 2, we offer the following:

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1. As you will be able to determine from the attached resume of the undersigned and of our law firm, our firm routinely handles complex commercial litigation. We enjoy a reputation among our local courts, other attorneys as well as the business community of being one of the few firms in this area capable of handling these types of cases as either a plaintiff's or defense firm. Just as we have obtained multimillion dollar verdicts for plaintiffs, we have also successfully defended defendants in high-stakes litigation, resulting in defendant's verdicts.

Likewise, we are not strangers to multi-district litigation. Some of the MDL cases in which our firm and our partners have been involved include: *In re: Skelaxin (Metaxalone) Anti-Trust Litigation*, Civil Action No. 1:12-MD-2343 (E.D. Tenn.), *In re: UnumProvident Corp. Securities Litigation*, No. 1:03-CV-049, MDL, 1:03-MD-1552 (E.D. Tenn.), *In re: Tri-State Crematory Litigation*, MDL, No. 1467 (N.D. Ga.), and *In Re: Digiteck Product Liability Litigation*, MDL No. 1968 (S.D. W. Va.).

2. The Judges before whom we have regularly appeared and who are familiar with our law firm include: (a) Judge Curtis Collier (E.D. Tenn.; 423/752-5287), (b) Judge Harry S. (Sandy) Mattice, Jr. (E.D. Tenn.; 423/752-5184), (c) Judge R. Allan Edgar (ret.) (E.D. Tenn.; 906/226-2084), (d) Judge Susan K. Lee (E.D. Tenn.; 423/752-5230), (e) Judge Michael Sharp (Tenn. Chancery Court; 423/756-0537), and (f) Judge J.B. Bennett (Tenn. Circuit Court; 423/209-7393).
3. Since the filing of the Volkswagen Litigation, our firm has made the pursuit of this litigation its number one priority. We have 13 attorneys in our firm, and everyone has put this case at the top of their priority list. This litigation is very important to not only our clients, but, given Volkswagen's billion-dollar investment in Chattanooga, to our community as well. As such, we will continue to make this litigation our highest priority.
4. Our firm enjoys a reputation of being able to provide high-quality service in complex commercial litigation while working cooperatively with other counsel. We recognize that if we are selected as a member of the Steering Committee, our directions will come from the Court and from lead counsel. We will follow the directions given to us and perform in whatever role assigned to us.
5. Our firm routinely keeps a large bank balance, and we also have access to substantial lines of credit if necessary. Access to resources to prosecute this litigation will not be a problem.
6. We not only have a willingness to serve as a member of the Steering Committee, but we hope that this Court will look favorable upon our application as we have a

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very strong desire to serve on this Steering Committee. We are ready and willing to serve as a member of the Steering Committee in this case.

7. We do not have a preference as to a particular category or categories of plaintiffs to represent, but all of our current clients are vehicle owners and lessees. We would gladly represent other plaintiffs, like dealerships, in this litigation.
8. Our firm enjoys a sterling reputation for handling commercial litigation, and for doing quality, prompt work. This particular litigation is very important to each one of our clients and likewise important to the Chattanooga community. We are recognized in this community as the leading firm handling the litigation against Volkswagen, and because Chattanooga is such an important part of Northern America Volkswagen, we believe that it would be beneficial to the plaintiffs in this case for our firm to be on the Steering Committee. We would be glad to serve any role on the Steering Committee, and can assure the Court that we will work cooperatively with lead counsel and other members of the Steering Committee. We can also assure the Court that we will give this case our utmost attention because of its importance to our clients and to all those affected by Volkswagen's actions.

Other Matters.

We have met extensively with Elizabeth Cabraser of Lieff, Cabraser, Heimann & Bernstein concerning this case. We believe that she is very qualified to be lead counsel in this case, and her vast experience in MDL cases, as well as her knowledge of the automotive industry, uniquely qualifies her to be lead counsel. We offer our full support to her as lead counsel. It is also our understanding that she supports our application to be a member of the Steering Committee.

We will be present at the hearing on January 21 to answer any questions the Court may have concerning our application. Thank you for your time and consideration.

Cordially,

Gary R. Patrick

Michael A. Anderson

Elizabeth M. Hill